

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JUAN JOSE HARO

Plaintiff,

v.

EQUISOLAR, INC., SOLAR MOSAIC,
LLC AND ASHLEY GERSHOONY

Defendant.

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CIVIL ACTION NO. _____

JURY TRIAL DEMANDED

DEFENDANTS EQUISOLAR, INC. AND ASHLEY GERSHOONY'S
NOTICE OF REMOVAL

TO THE HONORABLE COURT:

COME NOW, DEFENDANTS, EQUISOLAR, INC. AND ASHLEY GERSHOONY, (“**Defendants**”) and hereby file this *Defendants Equisolar, Inc., and Ashley Gershoony’s Notice of Removal* (“**Notice of Removal**”), pursuant to Federal Rules of Civil Procedure 28 U.S.C. §§1332, 1441, and 1446, and would respectfully show unto this Court as follows:

I. SUMMARY

1. On August 29, 2024, an action was commenced by Plaintiff, Juan Jose Haro, (“**Plaintiff**”) in the County Court at Law No. 2 of Waller County, Texas, entitled *Juan Jose Haro v. Equisolar, Inc., Solar Mosaic, LLC and Ashley Gershoony*, by filing Plaintiff’s Original Petition and Jury Demand (“**Petition**”) in Cause Number CV-24-08-1194 (the “**State Court Action**”). The State Court Action is currently pending in a court located within the jurisdiction of the United States District Court for the Southern District of Texas, Houston Division. Venue is proper in this federal judicial district because the Houston Division of the United States District Court for the Southern District of Texas encompasses the county where the State Court Action is pending.

2. Citation and Plaintiff's Original Petition were personally served to the registered agent for service of process for Defendant Equisolar, Inc on October 25, 2024. Defendant Ashley Gershoony has not yet been properly served. Consequently, this removal is timely filed because it is within thirty (30) days of Defendants being served "a copy of the initial pleading set forth the claim for relief upon which such action or proceeding is based." 28 U.S.C. § 1446(b).

3. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332, and it is one which may be removed to this Court by Defendant pursuant to provisions of 28 U.S.C. § 1441.

II. THIS COURT HAS JURISDICTION PURSUANT TO 28 U.S.C. § 1332

4. Defendants seek to remove this action to federal court on the basis of complete diversity of citizenship of the parties, pursuant to 28 U.S.C. § 1332. Defendant Equisolar, Inc. is a corporation incorporated and existing under the laws of California with its principal place of business in California. (Pl. Pet. ¶ 4, August 29, 2024.) *See also Exhibit F*, Unsworn Declaration of Isaac Hernandez. Defendant Ashley Gershoony, an individual, is a citizen of California. (Pl. Pet. ¶ 6, August 29, 2024.) *See also Exhibit G*, Unsworn Declaration of Ashley Gershoony. Defendant Solar Mosaic, LLC is a limited liability company and a citizen of Delaware. (Pl. Pet. ¶ 5, August 29, 2024.) Plaintiff Juan Jose Haro is a Texas resident. (Pl. Pet. ¶ 3, August 29, 2024.)

5. Given that the proper parties are citizens of different states, complete diversity exists in accordance with 28 U.S.C. § 1332. Therefore, Defendants are entitled to have this case removed from Waller County Court to the United States District Court for the Southern District of Texas, the federal district where the state suit is pending.

6. In his Petition, Plaintiff is seeking damages for, inter alia, breach of contract, promissory estoppel, violations of the Texas Deceptive Trade Practices Act, Fraud and Statutory Fraud, Personal Liability, Breach of Contract, Liability Under the Federal Trade Commission's "Holder

in Due Course,” and Texas Business and Commerce Code Title 1 Chapter 3 “Holder in Due Course” against Defendants. (Pl. Pet. ¶¶ 12 – 20, August 29, 2024.) The Petition sets forth a demand for “monetary relief of over \$250,000.00 but not more than \$1,000,000.00.” (Pl. Pet. ¶ 2, August 29, 2024.) While Defendants disagree with and dispute Plaintiff’s allegations, as a result of the foregoing, this action places at issue and in controversy monetary relief and damages that well exceed this Court’s jurisdictional minimum of \$75,000, exclusive of interest and costs.

III. ALL THE PROCEDURAL REQUIREMENTS OF REMOVAL HAVE BEEN MET

7. This Notice of Removal of a civil action was filed within thirty (30) days after receipt of the Petition by Defendants.

8. This Court is the federal district and division that encompasses the state court where the action was initially filed.

9. Written notice of the filing of this Notice of Removal has been given to adverse parties and the state court as required by law.

10. Attached hereto as Exhibits A through I are the following, pursuant to 28 U.S.C. § 1446(a) and S.D. Tex. L.R. 81:

- Exhibit A: Plaintiff’s Original Petition
- Exhibit B: Defendants’ Original Answer and Jury Demand
- Exhibit C: All executed process in the case
- Exhibit D: Index of matters being filed
- Exhibit E: List of counsel of record, including addresses, telephone numbers and parties represented
- Exhibit F: Unsworn Declaration of Isaac Hernandez
- Exhibit G: Unsworn Declaration of Ashley Gershoony
- Exhibit H: Notice of Filing Removal to state court and all counsel
- Exhibit I: Docket Sheet
- Exhibit J: Rule 7.1 Statement

11. To the extent this Court may require or request certified copies of any of the above, Defendants will supplement with such certified copies as soon as possible.

IV. RESERVATION OF RIGHTS

12. Defendants deny the allegations contained in Plaintiff's Petition and file this Notice of Removal without waiving any defenses, objections, exceptions, or obligations that may exist in its favor in either state or federal court.

13. Defendants also reserve their right to amend or supplement this Notice of Removal.

14. At this time, there are no other pleadings, orders, or filings of any kind to Defendants' knowledge or listed on the docket sheet of the Waller County Court other than those included here.

FOR THESE REASONS Defendants provide this Notice of Removal, and request that this action be removed from the County Court of Waller to the United States District Court for the Southern District of Texas, Houston Division.

DATED: November 12, 2024

Respectfully submitted,

By: /s/ Lema Mousilli
Lema Mousilli
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**ATTORNEY FOR DEFENDANTS
EQUISOLAR, INC., AND ASHLEY
GERSHOONY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document, and any attachments, will be served on all counsel of record, in accordance with the governing rules of procedure regarding service on this **November 12, 2024**, via *electronic filing manager* as follows:

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Attorney for Plaintiff

/s/ Lema Mousilli
Lema Mousilli